

POLICE FORCE AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Police Force Act 1947. It provides for the constitution and functions of a Police Commission and defines the powers of the Chairman. It also makes provision for matters in connection with the retirement of the Commissioner and makes miscellaneous amendments relating to the administration of the Force.

Clause 3 provides that the Commission shall consist of not more than five persons, of whom not more than two may be appointed from outside the Force.

Clause 4 provides for the appointment of deputies while members of the Commission are not available.

Clause 5 prescribes the functions of the Commission, which are to advise the Chairman and to carry out such other duties as may be assigned to it.

Clause 6 provides that all powers and functions at present vested in the Commissioner shall, while the Commission remains in existence, be vested in and carried out by the Chairman of the Commission.

Clause 7 validates acts of the Commission of Police Officers done before the commencement of the proposed Act.

Clause 8 clarifies the position as to the removal from office of commissioned members of the Force. The clause makes it clear that the office of Commissioner is held at the pleasure of the Governor-General and that other officers may be dismissed for misbehaviour or incompetence. It also places Assistant Commissioners in the same position as Superintendents and other officers and gives them a right of appeal against dismissal.

Clause 9 provides for the superannuation rights of persons who may retire in the future from the offices of Commissioner of Police or Chairman of the Police Commission, or member of the Commission appointed from outside the Police Force, before they have reached the age or had the length of service required by the Superannuation Act 1947. The clause is similar to the provision relating to members of the Public Service Commission.

Clause 10 removes the necessity of having appointments of sergeants and constables approved by the Minister.

Clause 11 makes special provision for the payments to be made to Mr E. H. Compton in accordance with the terms arranged on his retirement as Commissioner of Police.

Right Hon. Mr Holland

POLICE FORCE AMENDMENT

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A BILL INTITULED

AN ACT to amend the Police Force Act 1947.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Police Force Amendment Act 1955, and shall be read together with and deemed part of the Police Force Act 1947 (hereinafter referred to as the principal Act).
2. In this Act, unless the context otherwise requires,—
“Chairman” means the Chairman of the Police Commission:
“Commission” means the Police Commission established by this Act.
3. (1) There may from time to time be appointed a Commission to be called the Police Commission.

Short Title.

1947, No. 13

Interpretation.

Police Commission.

(2) The Commission shall consist of not more than *five* persons, who shall be appointed by the Governor-General in Council and, except as otherwise provided by this section, shall hold office during the pleasure of the Governor-General in Council. 5

(3) Any person who is not a member of the Force shall be eligible for appointment to the Commission:

Provided that not more than two such persons shall at any time be members of the Commission.

(4) Any person appointed under subsection *three* of this section shall hold office as a member of the Commission during the pleasure of the Governor-General in Council or for a term, not exceeding five years, to be specified in that behalf. 10

(5) One of the members of the Commission shall be appointed by the Governor-General in Council as the Chairman of the Commission. The Chairman shall hold office as such during the pleasure of the Governor-General in Council or for a term, not exceeding five years, to be specified in that behalf. 15

(6) The Chairman or any member of the Commission appointed under subsection *three* of this section may be removed from office by the Governor-General in Council for misbehaviour or incompetence. 20

(7) If any member of the Commission dies, or resigns, or is removed from office, the vacancy so created may be filled in the manner in which the appointment to the vacant office was originally made. 25

(8) The powers of the Commission shall not be affected by any vacancy in its membership. 30

(9) The Commission may regulate its procedure in such manner as it thinks fit.

**Deputies of
members.**

4. (1) In any case in which the Minister is satisfied that the Chairman or any other member of the Commission is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for the Chairman or for that other member during his incapacity. In the case of the incapacity of the Chairman his deputy may or may not be one of the other members, and if the deputy of the Chairman is one of the other members some other person may be appointed to act as the deputy of that member. 35 40

(2) Any deputy appointed under this section shall, while he acts as such, be deemed to be a member of the Commission and the deputy of the Chairman shall have all the powers of the Chairman.

5 (3) No appointment of a deputy, and no acts done by him as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

10 5. The functions of the Commission shall be to advise the Chairman on all matters referred to it by the Chairman and to carry out such other duties in connection with the general administration of the Force as may be assigned to it from time to time.

Functions of Commission.

15 6. (1) While the Commission remains in existence, all the powers and duties conferred or imposed on the Commissioner by the principal Act or by any other Act shall be carried out by the Chairman and not by the Commissioner, and all references to the Commissioner in any Act, regulation, by-law, Order, or other enactment or in any
20 deed, instrument, application, licence, notice, or other document shall, unless inconsistent with the context, be read as references to the Chairman.

Powers and duties of Chairman.

(2) Notwithstanding the provisions of any enactment, any office held by the Commissioner by virtue of his office
25 shall, while the Commission remains in existence, be held by the Chairman.

7. All acts done before the commencement of this Act by the Commission of Police Officers appointed on the twenty-second day of December, nineteen hundred and
30 fifty-four, for the purpose of controlling the administration of the Force are hereby validated.

Validation.

8. (1) The principal Act is hereby amended by inserting, after section three A, as inserted by subsection one of section two of the Police Force Amendment Act 1954,
35 the following section:

As to removal from office of commissioned officers.

“3B. The Commissioner shall hold office during the pleasure of the Governor-General.”

1954, No. 32

(2) Section sixteen of the principal Act, as amended by subsection three of section two of the Police Force
40 Amendment Act 1954, is hereby further amended by omitting the words “discharge or dismiss the Commissioner or any Assistant Commissioner, Superintendent”, and substituting the words “dismiss from the Force any Assistant Commissioner, Superintendent”,

- 1954, No. 32 (3) Subsection three of section two of the Police Force Amendment Act 1954 is hereby repealed.
- (4) Section eighteen of the principal Act, as amended by subsection four of section two of the Police Force Amendment Act 1954, is hereby further amended by omitting from subsection one the words "or an Assistant Commissioner". 5
- (5) Subsection four of section two of the Police Force Amendment Act 1954 is hereby repealed.
- Superannuation rights of Commissioner, and Chairman and certain members of Police Commission. 9. The principal Act is hereby amended by inserting, after section three B, as inserted by subsection one of section eight of this Act, the following section: 10
- "3c. On the termination of the appointment of any person as Commissioner, or as Chairman of the Police Commission, or as a member of the Commission who is not a member of the Force, otherwise than by his removal from office for misbehaviour or incompetence, he shall, unless he is appointed to another position in the Government service, or has declined to accept any such appointment, or is not a contributor to the Government Superannuation Fund, be entitled to receive from the Fund an annual retiring allowance for the rest of his life computed as provided in section thirty-one of the Superannuation Act 1947, notwithstanding that he may not have attained the age or have had the length of service which would entitle him in accordance with that section to a retiring allowance." 15
- 1947, No. 57 10. (1) Section seven of the principal Act is hereby amended by omitting the words "with the approval of the Minister". 20
- As to appointments of sergeants and constables. (2) Section eight of the principal Act is hereby amended by omitting from subsection one the words "with the approval of the Minister". 25
- Provision for payments to Commissioner E. H. Compton on his retirement. 11. Whereas Commissioner Eric Henry Compton retired from the office of Commissioner of Police on the nineteenth day of April, nineteen hundred and fifty-five: And whereas it is expedient to make provision to give effect to the terms of his retirement: Be it therefore enacted as follows: 30
- (1) There shall be paid to him out of the Consolidated Fund, without further appropriation than this section,— 35
- (a) Three months' salary for accumulated leave due to him: 40

(b) Six months' salary for leave on retirement:

(c) The sum of six thousand pounds as compensation for loss of office.

(2) Notwithstanding anything to the contrary in the
5 Superannuation Act 1947, he shall be entitled to receive 1947, No. 57
from the Government Superannuation Fund an annual
retiring allowance from the nineteenth day of January,
nineteen hundred and fifty-six, for the rest of his life at
the rate of eight hundred and twelve pounds a year.